

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.26997 OF 2005

Dt.27.12.2005

Between:

S.Rajyalaxmi

... Petitioner

And

The District Collector, Krishna at

Machilipatnam and 3 others ... Respondents

ORDER:

The petitioner seeks to issue writ of mandamus declaring the order issued by the first respondent in Rc.No.B1/RP/09/2005 dated 30.11.2005 confirming the orders issued by respondent Nos.2 and 3 dated 12.9.2005 and 29.10.2004 respectively as illegal and arbitrary and consequently direct the respondents to continue the petitioner as fair price shop dealer.

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies on behalf of the respondents.

The petitioner was appointed as fair price shop dealer of Ward No.8, Tiruvuru Village and Mandal of Krishna District. Basing on the report of the Mandal Revenue Officer, Tiruvuru, the 3rd respondent initiated disciplinary proceedings and cancelled the authorization of the petitioner by order dated 29.10.2004 on the ground that the petitioner

is not residing in the said village and her brother is running the said shop as a benami. It is stated that subsequent to the marriage of the petitioner in the year 1997, she shifted her residence from Tiruvuru to Siripuram Village, Madhira Mandal, Khammam District. It is stated that Siripuram is the border place of Tiruvuru and her brother being the family member is only assisting her and it cannot be said that there is violation of any of the conditions of the authorization. As against the said order of cancellation, the petitioner filed an appeal before the Joint Collector, Krishna and the appellate authority by order dated 12.9.2005 held that as per the order of the Government in G.O.Ms. No.53, Consumer Affairs, Food and Civil Supplies (CS-I) Department, dated 6.10.2003 the dealer shall personally run the shop and not run it benami or through an agent. However, women dealers may take the assistance of their family members whose names are included in the dealer's supply card and if a woman dealer gets married and in the event of her leaving the village, she must relinquish the dealership.

In the instant case, it is the finding of the appointing authority that the petitioner left the village after her marriage and her brother is only running the shop. Therefore, she must relinquish the dealership and she cannot continue the dealership. As against the said order of the Joint Collector dated 12.9.2005, the petitioner also filed revision before the Collector and the revisional authority also following the said Government Order dismissed the revision by order dated 30.11.2005. Questioning the said action of the first respondent, this writ petition has been filed.

Having regard to the facts and circumstances of the case that as the appointing authority, appellate authority and the revisional authority concurrently held that the petitioner is not residing in Tiruvuru village and after her marriage she is residing in Siripuram village and therefore she shall relinquish her dealership and she cannot continue to hold the dealership of the said village and as the dealership cannot be run through benami or through agent, I do not see any merit in this writ petition.

The writ petition is accordingly dismissed. No costs.

(V.ESWARAIAH, J.)

27.12.2005

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